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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Initial and second periodic reports of States parties

Djibouti*

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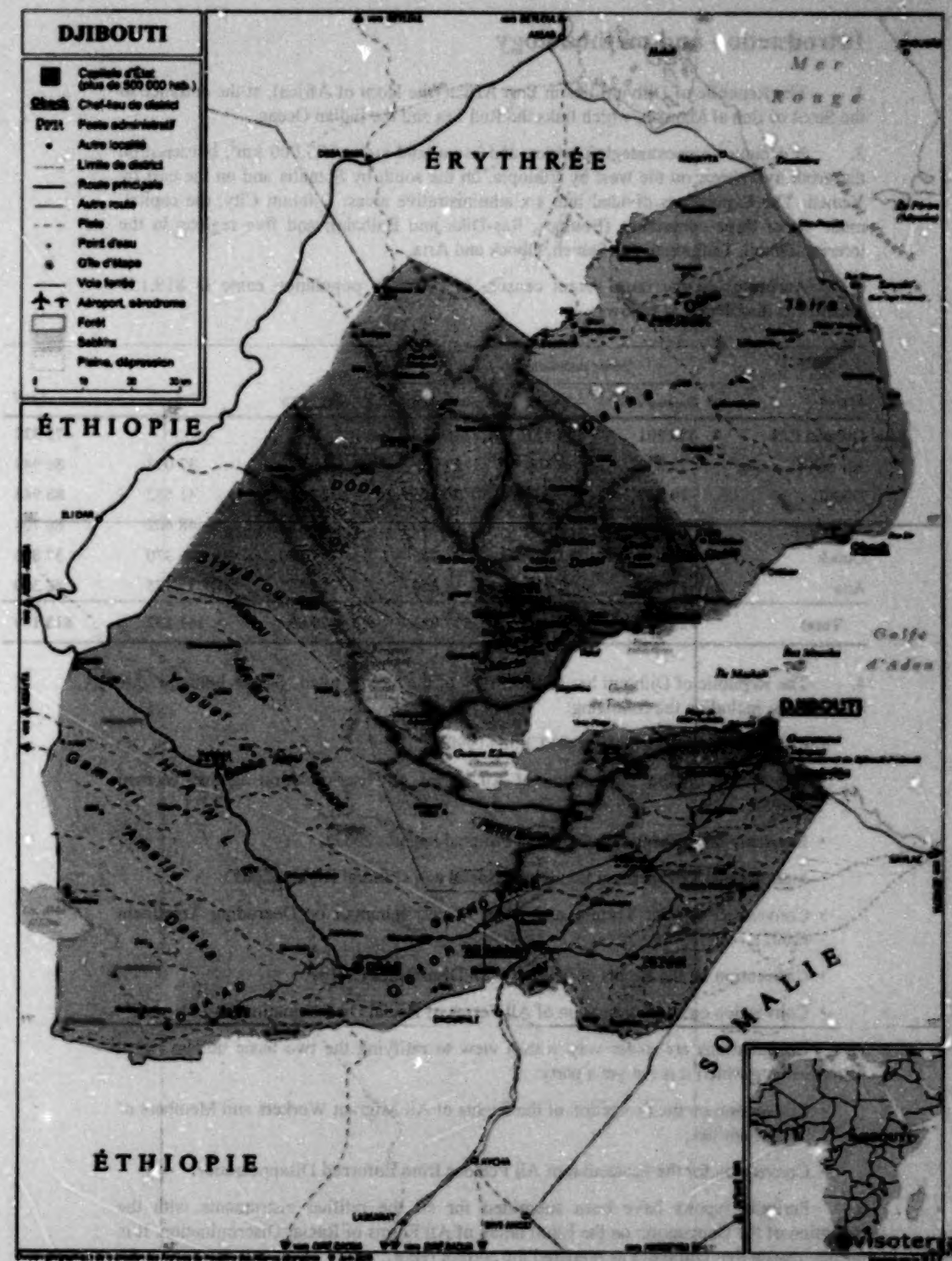
DJIBOUTI
Capitale d'Etat (plus de 500 000 hab.)
Chef-lieu de district
Poste administratif
Autre localité
Limite de district
Route principale
Autre route
Piste
Point d'eau
Gîte d'étape
Voie ferrée
Aéroport, aérodrome
Forêt
Salines
Plaine, dépression
ÉRYTHRÉE
Mer Rouge
ÉTHIOPIE
DOBA
Golfe d'Aden
DJIBOUTI
SOMALIE
ÉTHIOPIE
Obock
Tadjoura
Dikhil
Ali Sabieh
Arta
Yoboki
Assamo
Randa
Dessie
Lalibela
Mekele
Asayita
Awash
Gewane
Logia
Semera
Dire Dawa
Harar
Jijiga
Degehabur
Gode
Kebri Dehar
Negele
Bogol Manyo
Wardere
Galadi
Bossaso
Visoterra

I. Introduction and methodology

1. The Republic of Djibouti lies in East Africa (the Horn of Africa), at the entrance to the Strait of Bab al Mandab, which links the Red Sea and the Indian Ocean.

2. It occupies a geostrategic position and has a land area of 23,000 km^2, bordered on the north by Eritrea, on the west by Ethiopia, on the south by Somalia and on the east by Yemen. The Republic is divided into six administrative areas: Djibouti City, the capital, made up of three communes (Boulaos, Ras-Dika and Balbala); and five regions in the interior: Dikhil, Tadjourah, Ali-Sabieh, Obock and Arta.

3. According to the most recent census, in 2009 the population came to 819,159 inhabitants distributed as follows:

Region	*Urban population*			*Sedentary*	*Nomadic*	*Total*
	Ordinary	*Special*	*Rural/urban*			
Djibouti City	353 801	121 521	475 322			475 322
Ali-Sabieh	22 630	15 309	37 939	11 977	37 033	86 949
Dikhil	19 347	5 539	24 866	22 510	41 552	88 948
Tadjourah	12 157	2 633	14 820	23 482	48 402	86 704
Obock	9 933	1 773	11 706	9 780	16 370	37 856
Arta	11 043	2 217	13 260	11 345	17 775	42 380
Total	**428 911**	**149 022**	**577 933**	**79 094**	**161 132**	**818 159**

4. The Republic of Djibouti has ratified most of the basic United Nations human rights instruments, including the following:

- Convention on the Rights of the Child (1990);
- Convention on the Elimination of All Forms of Discrimination against Women (1998);
- International Covenant on Civil and Political Rights (2002);
- International Covenant on Economic, Social and Cultural Rights (2002);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (2002);
- Convention on the Rights of Persons with Disabilities (2010);
- Convention on the Elimination of All Forms of Racial Discrimination (2011).

5. Consultations are under way with a view to ratifying the two basic human rights instruments to which it is not yet a party:

- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Convention for the Protection of All Persons from Enforced Disappearance.

6. Periodic reports have been submitted for all the ratified instruments with the exception of the Convention on the Elimination of All Forms of Racial Discrimination. It is for that reason that Djibouti has prepared the current report.

7. This report, prepared pursuant to article 9 of the Convention, has been drafted in accordance with the various directives and recommendations of the Committee on the Elimination of Racial Discrimination.

8. The preparation and drafting of this report, as for other reports prepared for the treaty bodies and the Human Rights Council, were undertaken in a participative and inclusive manner.

9. Before starting to draft the report, the Inter-Ministerial Coordinating Committee for the Preparation and Submission of Reports to the Treaty Bodies, supported by the regional office of the Office of the High Commissioner for Human Rights, organized two training workshops on the Convention.

10. The first workshop was held on 29 and 30 November 2015 for senior civil servants and regional authorities. The second, held on 1 and 2 December 2015, brought together civil society representatives. The workshops provided an opportunity to train the participants as well as to gather information from them on the implementation of the Convention in their respective sectors.

11. When completed, the report was approved at the national level and submitted to the highest authorities of the country for approval.

II. Articles 1, 2 and 3 of the Convention

12. The population of the Republic of Djibouti is made up of different ethnic communities: Afars, Somalis, and Arabs, which are also present in the neighbouring countries: Somalis in Ethiopia, Somalia, and Kenya; Afars in Ethiopia and Eritrea, and Arabs in Yemen.

13. In view of its access to the Red Sea and Djibouti City's role as a port, as well as its past as a French colony, the country has also attracted many persons from Europe (France, Greece, Italy, Armenia), India, Madagascar, etc., whose descendants still live there.

14. The population is overwhelmingly (99 per cent) Muslim, and according to the Constitution the State religion is Islam. There are however persons from other faiths in Djibouti City.

15. French and Arabic are the official languages, while Somali and Afar, which belong to the Cushitic group of languages, are the main national languages spoken. While the teaching of national languages has been approved in theory, its implementation in practice is still embryonic.

16. Statistics on ethnic origin are collected in the course of censuses and surveys, and at the time national identity cards are issued. In order to avoid any biased exploitation of such statistics, the State party prefers not to publish them.

17. The distribution of seats in the National Assembly reflects the need to achieve a balance among communities and regions. Although this is only an unwritten rule based on a national consensus, it is never queried by the parties, whether in power or not.

18. There is no discrimination with regard to acquiring Djiboutian citizenship, pursuant to the Nationality Code Act of 24 October 2004. Regardless of origin, any child or person with at least one Djiboutian parent is entitled to citizenship.

19. In order to avoid statelessness, the law grants citizenship to any child born in Djibouti of unknown parents.

20. In addition, citizenship can be acquired through naturalization by foreigners, who have been habitually resident in Djibouti for at least 10 years.

21. That minimum may be reduced to 5 years in the case of an applicant married to a Djiboutian national if the couple have at least one child. This is not intended to discriminate against "mixed" couples without children, but simply to protect children in accordance with the Convention on the Rights of the Child.

22. The minimum requirement may also be reduced to 5 years in the case of applicants who have resources or talents that could be useful to the Republic. The criteria applied are purely objective and in no way discriminatory.

23. During the colonial period, the French administration used to split communities into different neighbourhoods based on ethnic origin in order to divide and rule over the population. Those divisions have virtually disappeared and now new mixed neighbourhoods have appeared.

24. Inter-ethnic marriage was uncommon even though it was neither regulated nor forbidden. That situation has greatly changed over time and inter-ethnic marriage is now very common.

25. There are no ghettos or apartheid in the Republic of Djibouti. Djibouti was always opposed to the apartheid system in South Africa, as shown by the following measures:

- Djiboutians were not allowed to travel to the country of apartheid;
- Under a decree of 5 May 1988, a National Anti-Apartheid Committee was established in accordance with Organization of African Unity (OAU) resolution on the subject.

26. As a result of the numerous conflicts in the subregion, the country has taken in a large number of refugees and continues to do so, without distinction as to race, origin or religion.

27. Since 1977 there have been several waves of immigration from neighbouring countries caused by armed conflicts between States: the Ogaden conflict in 1977 between Ethiopia and Somalia; the Badme conflict in 1998 between Ethiopia and Eritrea; and the civil war in Somalia that began in 1991 and led to a large influx of refugees.

28. The first refugees were settled in Dikhil but with the rapidly growing numbers two additional camps were opened by the Government in Holl Holl and Ali Addeh in the Ali-Sabieh region, with the help of the Office of the United Nations High Commissioner for Refugees (UNHCR).

29. Djibouti is a signatory to international and African instruments on the protection of refugees and respect for their rights, and the Government is currently strengthening the legal framework concerning refugees and implementing new measures.

30. The relevant decrees are as follows:

- Decree No. 77-054/PR/AE of 9 November 1977 establishing the National Commission on Eligibility for Refugee Status;
- Decree No. 2001-0101/PR/78-020/PR/MI amending Decree No. 77-054/PR/AE of 9 November 1977 on the establishment of the National Commission on Eligibility for Refugee Status;
- Decree No. 78-020/PR of 21 February 1978 establishing and defining the membership of the National Committee on Assistance for Refugees and Disaster Victims and also establishing the National Office for Refugees and Disaster Victims;

- Decree No. 78-077/PR additional to Decree No. 78-020/PR establishing the National Committee on Assistance for Refugees and Disaster Victims of 17 October 1978.

31. More recently Djibouti has adhered to two major regional instruments on the protection of refugees and internally displaced persons, leading to the promulgation of the following:

- Act No. 150/AN/06/5ème L of 21 June 2006 ratifying the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- Act No. 97/AN/10/6ème L of 3 January 2011 ratifying the African Union Convention for the Protection and Assistance of Displaced Persons in Africa (Kampala Convention).

32. Since 2015 Djibouti has taken in 17,634 Yemenis fleeing the war in Yemen, of whom two thirds have chosen to settle elsewhere or freely return home. The remaining third are in the Markazi refugee camp near the town of Obock.

33. To deal with that new crisis, the Government established by decree an emergency unit charged with the coordination of aid for refugees from Yemen. Under the direction of the Prime Minister, the unit assesses the needs of Yemeni refugees and coordinates assistance for them, in particular in the areas of health care, water, sanitation and security.

34. The Republic of Djibouti's peaceful history was tarnished by a brief difficult period of internal armed conflict between 1991 and 1994.

35. That conflict was rooted in ethnic rivalry between the Afars and the Somali-Issas that was a legacy of the colonial period.

36. The sharing of power on an ethnic basis instituted by the former colonial power had been continued after the country became independent in 1977.

37. Of the two leaders of the independence movement who fought together for independence, Hassan Gouled Aptidon (Issa) and Ahmed Dini Ahmed (Afar) became respectively President of the Republic and Head of Government and of the Armed Forces, and Prime Minister responsible for the coordination of government action.

38. The Government's intransigence with regard to the sharing of power, coupled with the radicalization of the opposition, led to an armed conflict, which first broke out in the North in 1991 between the national army and the forces of the Front pour la Restauration de l'Unité et de la Démocratie (Front for the Restoration of Unity and Democracy) (FRUD).

39. FRUD believed that armed conflict was necessary to redistribute political power among the various communities, establish a truly pluralist democracy and ensure greater social justice.

40. The conflict, which had a disastrous effect on the national economy and caused widespread destruction, mostly in the north of the country, ended with the signing of two peace agreements.

41. The Aba'a peace and national reconciliation agreement of 26 December 1994 between the dissident wing of FRUD and the Government signalled the end of armed conflict and a return to peace. The combatants were amnestied and returned to their civilian and military occupations. The public infrastructure destroyed by the conflict was rebuilt (hospitals and dispensaries, schools, water and electricity supply systems, and basic administrative services).

42. FRUD became a political party and joined the Government, which launched a policy of decentralization.

43. The Reform and National Reconciliation Agreement signed in May 2001 between the armed wing of FRUD, which had continued armed resistance despite the peace agreement, and the Government, put a stop to the fighting once and for all and introduced wide-reaching reforms including: changes to the membership of the Constitutional Council; creation of a full multiparty system; guarantees of the rights of trade unions and freedom of opinion; equality for all citizens; the establishment of the Independent National Election Commission; and decentralization measures that reflected political, administrative and economic factors.

44. The conflict was settled according to local traditions and without foreign intervention.

45. This settlement was instructive to Djiboutians with regard to the importance of preserving peaceful coexistence.

III. Article 4

46. Djibouti's legislation defines the concept of discrimination in article 390 of the Criminal Code of 1995, which reads: "Discrimination is defined as any distinction made with regard to natural persons based on their origin, gender, family situation, state of health, disability, morals, political opinions, trade union activities, or real or alleged membership or otherwise of a particular ethnic group, nationality, race, or religion."

47. That definition is almost identical to the definition contained in article 1 of the Convention on the Elimination of All Forms of Discrimination.

48. An Act on cyber-crime promulgated in 2014 strengthens the Criminal Code provision cited above. It defines "racist and xenophobic" as "any written, visual or other representation of ideas or theories that condone or encourage hatred, discrimination or violence against a person or group of persons based on their race, colour, ancestry or national, ethnic or religious background, to the extent that the latter leads to or incites the types of discrimination described herein".

49. The principle of non-discrimination and equality is reflected in all national legislation. It is the very foundation of Djiboutian society and the country itself, whose motto is "Unity, Equality, Peace". It is therefore a founding principle that serves as a reference for the country's political, social and legal system.

50. In order to underscore the primacy of the principle of equality and non-discrimination, the State party has incorporated the principle into the Constitution, the highest legal authority, to which all legislative, administrative or other measures must conform.

51. Accordingly, article 1 of the Constitution states that: "The State of Djibouti is a democratic sovereign republic, one and indivisible, which shall guarantee equality before the law to all without distinction as to language, origin, race, gender or religion. It shall respect all faiths."

52. Many other articles of the Constitution are even more clear and unequivocal about equality and non-discrimination in all circumstances.

53. Article 3, paragraph 1, of the Constitution provides that: "The Republic of Djibouti is made up of all persons that it recognizes as its citizens and who accept their responsibilities accordingly, without distinction as to language, race, gender or religion."

54. Paragraphs 2 and 3 of article 3 confirm that "National sovereignty belongs to the people of Djibouti and is exercised through their representatives or by referendum.

55. That sovereignty may not be arrogated by any group or any individual and no one may be arbitrarily deprived of his status as a member of the national community."

56. Citizens are not the only persons who are protected by the principle of equality and non-discrimination. Article 18 of the Constitution grants non-citizens protection for their person and property.

57. At the political level, where harmful attitudes may appear, such as sectarianism or incitation to tribal or racial hatred, Djibouti has adopted suitable constitutional and legislative safeguards. Article 6 of the Constitution and Act No. 1/AN/92/2ème L of 15 September 1992 on political parties in the Republic of Djibouti prohibit political parties from identifying with a particular race, ethnic group, gender, religion, sect, language or region. Violations in that regard will incur administrative and criminal sanctions. Any political party established in violation of that principle will not be legally recognized.

58. The Government may ask a judge to dissolve such a party.

59. With a view to preventing exclusion and political exploitation of ethnic differences, as referred to in the Committee's general recommendation XV on article 4 of the Convention, the law requires the founders of a political party to be representative of the different regions and components of the national community.

60. That requirement is basic and strictly monitored by a verification commission made up of six notables, one of whom must be a magistrate.

61. There are also criminal sanctions in that regard: anyone found guilty of violating that requirement will incur a penalty of imprisonment and a fine.

62. In addition to these sectional provisions, the State party, as indicated above, has legislation that makes discrimination in general a criminal offence. Article 390 of the Criminal Code, for instance, describes discrimination as "any distinction made between persons on the basis of their origin, gender, family situation, health, disability, morals, political opinions, trade union activities, real or alleged membership or non-membership of a particular ethnic group, nation, race or religion".

63. Any person or persons perpetrating a discriminatory act may be liable to 2 years' imprisonment and a fine of 500,000 Fdj (1 US dollar = 177.77 Djibouti francs).

64. If the guilty party is a state employee acting in his official capacity, the penalty is increased to 3 years' imprisonment and a fine of 1,000,000 Fdj.

65. In accordance with article 4 of the Convention, the State party has made incitement to racial hatred or discrimination a criminal offence pursuant to two laws, adopted in 1992 and 2014 respectively.

66. The 1992 Freedom of Communication Act stipulates in article 4 that "Freedom of communication does not protect any message or inserted material that might promote racism, tribalism, treason or fanaticism".

67. The 2014 Act on cyber-crime contains a number of provisions dealing with the use of new technologies for racist and xenophobic purposes.

68. The Act imposes severe penalties of 5 to 10 years' imprisonment on:

- Anyone who creates, downloads or disseminates articles, messages, photographs or drawings or depicts in any other way ideas or theories of a racist or xenophobic nature;
- Anyone who utters racist threats or insults.

69. The State party has also long had legislation to prevent and combat the crime of genocide and crimes against humanity. That legislation was completed by the 2014 law penalizing "anyone who intentionally denies, condones or justifies acts tantamount to genocide or crimes against humanity". There is no statute of limitations for those crimes.

IV. Article 5

Civil and political rights

70. An individual's basic right to freely express his opinion is asserted in article 15 of the Constitution, which states: "Everyone has the right to express and disseminate his opinions freely whether orally, in writing or in images. Those rights may be limited only as set out in the law and based on respect for the honour of others."

71. The Criminal Code protects freedom of expression: any action "intended to undermine that freedom in a concerted manner through use of blows, violence, assault, threats, destructive or degrading acts shall be punished by 3 years' imprisonment and a fine of 1,000,000 Fdj" (art. 388).

72. Accordingly, the offence of "crime of opinion" does not exist in Djiboutian law.

73. Other freedoms, such as freedom of association, religion and worship, are likewise protected under the national constitutional, legislative and regulatory framework.

74. That framework has been strengthened by ratification of the International Covenant on Civil and Political rights and the African Charter on Human and Peoples' rights.

75. Periodic reports on the implementation of those instruments have been submitted to their respective review bodies.

Economic, social and cultural rights

76. Discrimination is forbidden in the economic and social spheres.

Employment

77. Act No. 133/AN/05/5ème L of 28 January 2006, establishing a Labour Code, stipulates that the workplace must be discrimination-free.

78. Article 3 of the Labour Code states that "no employer may take any decision based on an employee's gender, age, race, colour, social origin, nationality or descent, membership or non-membership in a union, union-related activity, opinions, for example religious or political, in particular with regard to hiring, conduct and division of work, vocational training, advancement, promotion, remuneration and other working conditions, granting of social benefits, discipline or breach of the work contract".

79. In order to establish good working conditions, the State party must provide social partners with the appropriate legal guarantees. According to the Constitution and the Labour Code, all workers, whether national or non-national, have the right to found or join the union of their choice.

80. Women, young people and workers with disabilities are also protected against all forms of discrimination.

81. Thus according to article 109 of the Labour Code: "Young workers between 16 and 18 years of age have the same rights as other workers in the same professional category. Young workers cannot have their salaries reduced or be demoted by reason of their age."

82. Article 117 gives equal rights to workers with disabilities, who "must not be subject to any discrimination with regard to employment".

Health

83. Health care is a major priority. In the Health Policy Act No. 48/AN/99/4ème L of 3 July 1999, the State party guarantees health care for all and undertakes to make available adequate resources in that regard.

84. That commitment is reflected in the progress made in human and material terms since the adoption of Djibouti's very ambitious health policy.

85. Djibouti has invested heavily in terms of human resources, amongst others by recruiting foreign medical experts until such time as local specialists are trained; strengthening basic curricula at the Faculty of Medicine and the Institute for the Training of Health-care Paramedicals; hiring more paramedical staff; and sending national doctors abroad for specialized training until newly graduated doctors are ready to take their place.

86. The staff of the Ministry of Health has been growing constantly, rising from 509 in 1999 to 2,456 by 2014 and currently 2,752.

87. Djibouti nevertheless still lacks specialists and high-quality equipment and facilities. Only patients who obtain assistance from the State or have their own means go for treatment abroad.

88. In order to reduce disparities in health care in rural areas, the State party has worked to improve health-care coverage by concentrating facilities in the most populated locations and reducing inland medical regions' dependency on the capital.

89. To that end regional hospitals have been built in Arta and Ali-Sabieh, the latter to be opened soon, and others are planned, for example in Tadjourah.

90. A large number of health-care clinics have been built in rural areas in pursuit of the policy of promoting local health care.

91. Mobile health teams have been added to the health system with a view to reaching the most remote and nomadic groups.

92. Besides the traditional health-care system, the State party introduced a system of universal health insurance in 2014.

93. That system is designed to ensure medical coverage for the whole population without exception.

94. The universal health-care insurance system is twofold. It includes a compulsory insurance scheme for taxpayers, which covers civil servants, students, members of parliament, members of the Government and the national police, which is paid for by their contributions, as well as a social and health assistance scheme for individuals with no or little income and vulnerable persons in general, which is paid for by the State and the National Social Security Fund.

95. The rights of persons living with HIV/AIDS are also a major priority, as shown by the extensive legal framework established with a view to combatting the discrimination and stigmatization they are subjected to.

96. That legal framework includes the Act ratifying the Arab Convention on HIV Prevention and the Protection of the Rights of People Living with HIV, as well as Act No. 174/AN/07/5ème L of 22 April 2007 on protective measures for persons living with HIV/AIDS and other vulnerable groups.

97. The HIV/AIDS infection rate has stabilized around 3 per cent of the population. Persons living with AIDs have access to health care and receive psychological counselling.

Education

98. The State party has made education, like health, one of its priorities, with a view to creating an educational system open to all, without distinction as to age, gender or social, ethnic or religious background.

99. In order to meet that goal set out in the Education System Act (2000), the State party has allocated significant financial resources and continues to make major increases in the share of the national budget allocated to education, which currently ranges between 25 and 30 per cent. Funding partners also make significant contributions.

100. That funding assistance and the political will to democratize education have led to significant progress, in particular:

- Increased educational opportunity thanks to the building and equipping of educational infrastructure and the adoption of measures to encourage enrolment;
- Increased enrolment of girls, who are currently equal in number to boys at the primary level.

101. All those measures have had an appreciable effect on the gross enrolment rate, which increased from 49.5 per cent in 2003-2004 to 79 per cent in 2014-2015. The proportion of new enrolments in the first year has likewise increased from 50.7 per cent in 2003/04 to 72.2 per cent in 2014/15.

Change in the gross enrolment and attendance rate in basic education (2003-2015)

Years	*Enrolment rate*	*Attendance rate*
2003/04	50.7%	49.5%
2004/05	57.0%	51.5%
2005/06	64.6%	54.6%
2006/07	68.5%	57.8%
2007/08	76.9%	68.3%
2008/09	76.3%	67.9%
2009/10	73.6%	72.9%
2010/11	76.8%	75.0%
2011/12	76.0%	78.2%
2012/13	76.6%	78.5%
2013/14	77.2%	80.2%
2014/15	72.2%	79.0%

102. Progress made in building new educational establishments and renovating existing ones has increased capacity at the intermediate and secondary levels and led to a corresponding increase in enrolment between 2003 and 2015: from 28.8 per cent to 59.4 per

cent at the intermediate level and from 13.3 per cent to 36.6 per cent at the secondary level, thereby doubling the rate at the intermediate level and nearly tripling the rate at the secondary level.

Change in enrolment and attendance rates at the intermediate level (2003-2015)

Years	*Enrolment rate*	*Attendance rate*
2003/04	31.5%	28.8%
2004/05	38.0%	32.8%
2005/06	37.1%	33.0%
2006/07	47.2%	38.6%
2007/08	66.2%	46.2%
2008/09	49.4%	49.7%
2009/10	45.5%	53.6%
2010/11	47.7%	56.1%
2011/12	50.6%	56.0%
2012/13	59.7%	57.5%
2013/14	56.0%	58.0%
2014/15	57.1%	59.4%

Change in enrolment and attendance rates at the secondary level (2003-2015)

Years	*Enrolment rate*	*Attendance rate*
2003/04	13.2%	13.3%
2004/05	14.9%	15.3%
2005/06	17.4%	16.2%
2006/07	18.5%	17.9%
2007/08	23.0%	20.4%
2008/09	27.4%	23.3%
2009/10	26.5%	26.7%
2010/11	32.2%	28.7%
2011/12	45.3%	36.5%
2012/13	35.1%	38.7%
2013/14	31.1%	39.6%
2014/15	30.4%	36.6%

103. The State party, after concentrating on quantitative improvements in the period 2000 to 2010, is currently targeting quality improvements, identifying new objectives in the guidelines for 2010-2019.

104. These objectives are:

- To achieve 100 per cent enrolment at the primary level by 2015 and 90 per cent gross enrolment rate for children aged 11-14 by 2019;
- To eliminate disparities between girls and boys at the primary and secondary education levels by 2015 with full equality by 2019;

- To ensure that 100 per cent of children in basic education master at least 80 per cent of the knowledge and skills set out in the curriculum for languages, mathematics, science and life skills;
- To reform secondary education and technical and vocational education and training with a view to reaching standards of excellence and meeting the needs of the labour market;
- To improve the quality and relevance of higher education and university research in all areas;
- To improve administrative practices at all levels in order to ensure efficient and effective management of the services provided and use of the resources available.

V. Article 6

105. The State party has developed an institutional framework tasked inter alia with applying the many measures aimed at combating racism and xenophobia and all other forms of discrimination. The framework includes both legal and administrative institutions.

Legal framework

106. The judiciary, acting through the courts and tribunals, represents a key mechanism for combating all forms of discrimination. It ensures that everyone, including the public authorities, protects human rights.

107. As indicated in previous reports to treaty bodies and the Human Rights Council, the State party's judicial system is in full compliance with international norms as regards the administration of justice.

108. The basic rules and principles that guide the justice system are set out in article 10 of the Constitution, which stipulates that: "An accused person is presumed innocent until his guilt has been established by the competent jurisdiction. The right to a defence, including the right to be represented by a lawyer of his choice, is guaranteed at all steps of the proceeding. Any person deprived of his freedom has the right to be examined by a doctor of his choice. No person may be detained in a penal establishment except by order of a magistrate of the judiciary."

109. In order to implement those rules and principles, the State party held a general conference on justice in November 2000, following which it undertook an in-depth reform of the justice system. That reform took more than 10 years to complete and covered every aspect of the justice system, including its material, human and institutional aspects.

110. Physical infrastructure was expanded and renovated to accommodate the growing number of judges and persons appearing before the courts. The number of judges was increased from 29 in 2000 to 4.5 times that figure, or 131, in 2015.

111. Judges have protected status, as a means of guaranteeing their professional independence.

112. The State party strengthened the institutional framework by creating new jurisdictions, for example for personal status, administrative matters and minors.

113. The personal status courts have replaced the "Cadis", or non-professional religious judges. Such matters are therefore currently decided by professional magistrates, who must apply and ensure respect for the basic rules and principles that underpin fair and equal justice.

114. Administrative justice was strengthened by Act No. 56/AN/09/6ème of 19 July 2009 establishing an administrative tribunal to hear cases involving actions or inaction by the civil administration.

115. Any act or failure to act on the part of a national, regional or local administration that is considered to be discriminatory against a person or group of persons can be challenged before the administrative tribunal, whose decisions may be appealed to the Administrative and Financial Division of the Supreme Court.

116. Civil and criminal jurisdictions also deal with crimes and offences involving racial hatred and discrimination in general, as noted above.

117. Following that series of measures aimed at a quantitative improvement to the justice system, the State party turned to improving the quality of justice, in particular improved access to justice.

118. To achieve that objective, three priorities were identified: decentralization of justice, legal aid reform and the establishment of a reception and information service.

119. With regard to decentralization, to date there are still no courts outside the capital. Persons in rural areas wishing to resort to justice must travel to the capital.

120. That situation is considered an injustice and even discriminatory by the rural population. In order to improve matters, in 2010 the State party instituted a mobile justice service in the form of circuit courts that travel to the regions to hear cases collected by a specially created local registry. This is of course a temporary solution pending the construction of a courthouse in each regional capital.

121. Access to justice, which is a fundamental right, is guaranteed to persons living in refugee camps, who have access to the circuit courts.

122. In the area of legal aid reform, in 2011 the State party adopted an Act repealing the 1930's-era decree on legal aid and providing legal aid for persons not able to afford legal counsel, in order to help them "ensure respect for their rights, in both non-contentious and contentious matters, as plaintiff or defendant, before any court".

123. According to the Constitution, legal assistance may be requested before or during a proceeding.

124. That complements another major measure relating to defence rights. Over the past 10 years the State party has facilitated access to the profession by accrediting a large number of defence lawyers.

125. The number of law offices has tripled, from 10 in 2006 to 30 at present.

126. Those two measures mean that citizens, including those on the lowest incomes, may have access to the services of a defence lawyer. The right to be represented by a lawyer, as guaranteed by the Constitution, was until recently a luxury beyond the means of most people.

127. Lastly, by virtue of a 2012 Act, the State party created a human rights office within the Ministry of Justice to receive enquiries and provide information and advice. This office offers help to persons making enquiries and wanting to be referred to the appropriate service. Essentially it provides people with information on their rights in general, explains the legal system and the procedures to follow and gives advice on which service people should contact and what remedies are available to them.

128. In addition to that jurisdictional framework, the State party has established a number of independent administrative authorities responsible for promoting and protecting human

rights. Those mechanisms include the Constitutional Council, the Office of the Ombudsman and the National Human Rights Commission.

Constitutional Council

129. The Constitutional Council, established under the 1992 Constitution, is also governed by an organic Act dated 7 April 1993, which sets out rules for its organization and work. Its mission is to ensure compliance with the principles set out in the Constitution. Those principles include, as already noted, the principle of equality and non-discrimination, which constitutes the aim of the present Convention.

130. The Constitutional Council is charged with ensuring the protection of fundamental human rights at the time laws are adopted by the National Assembly and in proceedings before the courts.

131. With regard to the former, the Constitutional Council may be asked for an opinion on the constitutionality of a bill tabled before the National Assembly; if found unconstitutional, the bill will be withdrawn.

132. A ruling from the Council may be requested by the President of the Republic, the Speaker of the National Assembly or 10 deputies.

133. In the latter case, any party to a proceeding may appeal to the Council if they feel the provision of law in question violates the fundamental principles recognized and guaranteed by the Constitution.

134. According to that right, known as a plea of unconstitutionality, proceedings are suspended pending a decision by the Constitutional Council. If the Council declares the provision in question to be unconstitutional it must no longer be applied.

135. Decisions of the Constitutional Council are considered binding and may not be appealed.

Ombudsman

136. The Ombudsman is a long-standing institution created by the Act of 21 August 1999 and elevated to the rank of a constitutional institution under the amended Constitution of 2010.

137. The Ombudsman is appointed by the President of the Republic for a non-renewable term of five years.

138. He cannot be removed, is independent and is not subject to any outside instruction. He enjoys immunity in the performance of his official duties. He cannot be prosecuted, subject to an arrest warrant, arrested, detained or put on trial for his decisions or actions in the course of his official duties.

139. His role is specified in article 1 of the Act: "The Ombudsman of the Republic, pursuant to the conditions set out herein, shall receive complaints concerning dealings with the public by administrative bodies of the State, including decentralized institutions, public establishments and any other body providing a public service."

140. The Ombudsman has gradually won the trust of the population, who increasingly seek his help. Over the period of one year, between June 2013 and June 2014, the Ombudsman dealt with 237 cases. The relevant data are not sufficiently disaggregated, however, to determine whether any of those cases dealt with racial or ethnic discrimination.

141. When he receives a complaint or grievance, the Ombudsman notifies the department concerned. He may recommend any solution he deems appropriate to deal fairly with the complainant, suggest measures to the competent authority that might resolve the problem, or suggest appropriate amendments to legislative or regulatory texts.

142. If his recommendations are not acted upon, the Ombudsman makes them public.

143. All his recommendations are included in an annual report submitted to the President of the Republic, which is made public.

National Human Rights Commission (NHRC)

144. The National Human Rights Commission is a more recent institution than the two just described. It was created in 2008 and reformed in 2014 in response to the recommendations of the Human Rights Council and treaty bodies, with a view mainly to bringing it into conformity with the international norms (Paris Principles) governing national human rights institutions.

145. The Commission plays an essential role in the promotion and protection of human rights, working in conjunction with the public authorities, civil society and the general population. Its methods of work and consultation are set out in the Act of 2014, in particular articles 7 and 11, reproduced below in full:

> "Article 7: The Commission may also draw the attention of the public authorities to measures it deems appropriate to further the protection and promotion of human rights, in particular with regard to the ratification of or adherence to international human rights instruments and their implementation at the national level; where necessary, it may recommend the alignment and harmonization of national legislation, regulations and practices with the international human rights instruments to which the Republic of Djibouti is a party, as well as measures for their implementation in practice; and disseminate the rules of law relating to human rights and the fight against all forms of discrimination, racism and xenophobia, in particular through public awareness and information campaigns.
>
> Article 11: The Commission may receive complaints and enquiries regarding human rights violations; undertake regular visits, both announced and unannounced, to detention centres and make recommendations to the competent authorities with a view to improving the treatment and detention conditions of persons deprived of their liberty; prevent torture and other cruel, inhuman or degrading treatment, in accordance with relevant international, regional or national norms; combat rape and gender-based violence; alert the Public Prosecutor to human rights violations; and provide or facilitate legal assistance to victims of human rights violations, in particular women, children and other vulnerable persons."

Civil society

146. Civil society in the State party is very involved in the promotion and protection of human rights and is well prepared for that task thanks to the capacity-building efforts jointly organized by the State party and its technical and financial partners. Some activities of concern to civil society have involved issues relevant to the Convention. For example, two workshops were held in November and in December 2015, the first on the Convention on the Elimination of All Forms of Racial Discrimination and the second on the protection of human rights in the context of policies to combat terrorism.

VI. Article 7

147. The Preamble to the 1992 Constitution recalls the principles of the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Racial Discrimination.

148. In this sense, the Preamble reads: "The Djiboutian People solemnly proclaim their attachment to the principles of Democracy and Human Rights as defined in the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights, the provisions of which form an integral part of this Constitution. They affirm their determination to establish a State of Law and a Pluralist Democracy guaranteeing full enjoyment of individual and collective rights and freedoms as well as the harmonious development of the national community. They affirm their will to cooperate in peace and friendship with all peoples who share their ideals of liberty, justice and solidarity, on a basis of mutual respect, national sovereignty and territorial integrity."

149. Combating prejudice is another major concern for the State party, which tries to promote understanding, tolerance and friendship between nations and social or ethnic groups.

150. The Republic of Djibouti has implemented measures for that purpose in such areas as culture, education and training.

151. In the area of culture, the emphasis has been placed on: organizing traditional dance classes in the Community Development Centres (CDC) and in primary and secondary school clubs, as well as regular "Fest Horn" events showcasing national, regional and subregional musical and cultural groups; cultural entertainment representing the various national groups during official ceremonies; inaugurating the Djibouti Arts Institute to develop and showcase the artistic talent of young people from across the country; establishing two entities to promote the two national languages, Somali Pen and Afar Pen, and their culture; broadcasting radio programmes to teach those national languages; and organizing competitions to identify young talents.

152. In the area of education, article 4 of the Education System Act (2000) promulgated following the general conference on education in 1999, notes that: "education is a recognized right for every man and woman in Djibouti without distinction as to age, gender, social origin, ethnicity or religion".

153. According to that Act, basic education is compulsory for children aged 6 to 16 (art. 14) and free of charge (art. 16).

154. Parents of a child with a physical or mental disability that prevents them from following a structured educational programme are exempt from the obligation to send their children to school (art. 4).

155. There is a well-developed and growing private school system in addition to the public school system.

156. Education is provided to refugee children by the Office of the United Nations High Commissioner for Refugees (UNHCR) in partnership with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and international non-governmental organizations, such as the Lutheran World Federation.

157. Rights education begins at the basic education level, in the first to fifth grades, for pupils aged between 6 and 11, in the context of civics and religion classes. Those classes take up two hours a week and inculcate the basic concepts of Islam, an introduction to good

behaviour and respect for others, their environment, teachers and parents, and critical skills to analyse a situation and respond appropriately.

158. At the intermediate level, in eighth and ninth grade (4th and 3rd grades in the French "college" system), for children aged 14 and 15, the focus is on learning about humanitarian law.

159. The three units taught in eighth grade cover: humanitarian issues (images and perceptions of war, humanitarian action, the witness dilemma); limits in armed conflicts (international humanitarian law, child soldiers, weapons); and the law in action (recognizing violations, combatants' points of view, assigning responsibility).

160. The three modules in the ninth year deal with the concepts of "rendering justice", "dealing with the consequences of war" and "ethical foundations of humanitarian action".